UNITED STATES PATENT AND TRADEMARK OFFICE

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ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/901,279	FUJITA, KIMIKAZU
	Examiner	Art Unit	
	Justin E. Shepard	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*15 May 2006*</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*1,2,4,9,11,12 and 14-23*</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>*1,2,4,9,11,12 and 14-23*</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/15/06

has been entered.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 4, 9, 11, 12, and 14-23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Elderling, U.S. Patent Number 6,615,039 in view of Suzuki.

Referring to claim 1, Eldering discloses a broadcasting apparatus (column 2,

lines 35-38; figure 2, parts 211 and 209) that broadcasts a specific program to which a

reproduction time period between a starting time and a finishing time is specified (figure

7, box labeled "PROGRAMMING"; figure 9; Note: the time for inserting the

advertisement listed in the "Insert Time" column indicates that the program from figure 7

must have a planned start and stop time), the reproduction being performed by a

receiving apparatus (figure 2, part 209), the broadcasting apparatus comprising:

allotment means for allotting a broadcasting bandwidth for the reproduction time period

to the specific program (column 9, line 67, column 10, lines 1-3) and allotting a part of

the broadcasting bandwidth for a preceding time period immediately before the

reproduction time period to the specific program and the other part of the broadcasting

bandwidth to another program (column 10, lines 2-3, 8-10; figure 7, part AD1 and

signals running from part 802 to 806);

    script generation means for generating, (a) when receiving a storage instruction,

a script instructing the receiving apparatus to store program data of the specific program

in a storage unit of the receiving apparatus (column 7, lines 28-30; column 10, lines 8-

10; Note: a device that stores advertisements would inherently have an instruction that

caused the device to store the advertisement),

    message generation means for generating a plurality of storage instructions and

a reproduction instruction (figure 3, part 301; column 5, lines 28-43; column 6, lines 40-

44);

    transmission means for, (a) in accordance with the result of allotment by the

allotment means, repeatedly transmitting program data of the other program while

transmitting the program data of the specific program in the preceding time period

(column 10, lines 37-41; Note: sending the data whenever there is spare bandwidth is being interpreted as being equivalent to repeatedly sending data), and repeatedly transmitting the program data of the specific program in the reproduction time period (column 10, lines 37-41),

and (b) repeatedly transmitting the scripts in a time period when the program data of the specific program is transmitted (column 8, lines 34-36, column 10, lines 37-45; Note: sending data whenever the channel is idle is interpreted as repeatedly sending the data); and control means for controlling the transmission means to transmit the storage instructions in the preceding time period and to transmit the reproduction instruction at the starting time (figure 3, part 301; column 5, lines 28-43 column 6, lines 40-44)),

wherein the transmission means further transmits a normal program that includes a video stream and an audio stream (column 6, lines 40-44), the specific program has the program data that relates to a commercial message which is inserted in the normal program (column 6, lines 40-44), and the reproduction time period of the specific program is the same as a broadcast time period of the commercial message (column 7, lines 41-46; Note: Eldering shows that a commercial could be broadcast at 1.5 Mbps, while the program itself would require 27-155 Mbps. If the commercial was 0.5 minutes, and the program was 29.5 minutes than the program would need to be broadcast at 88.5 Mbps (if the program and commercial were shown at the same resolution), which falls within the range of 27-155 Mbps and is interpreted as the commercial and the program being broadcast during the same time period).

Eldering does not disclose a system with script generating means for generating, (b) when receiving a reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the specific program in a case where the program data of the specific program has been stored in the storage unit.

Suzuki discloses a system with script generating means for generating, (b) when receiving a reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the specific program in a case where the program data of the specific program has been stored in the storage unit (column 23, lines 22-25; Note: a script is interpreted as being a set of instructions for an application (Microsoft Computer Dictionary) and the instructions taught by Suzuki are interpreted as being equivalent to a script).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the reproduction controls from Suzuki in the broadcasting apparatus disclosed in Eldering. The motivation for doing this would have been to enable the cable network to control which programs were authorized to play on which subscriber's systems.

Referring to claim 2, Eldering discloses an apparatus of Claim 1, wherein the allotment means allots the broadcasting bandwidth for the preceding time period so that the part of the broadcasting bandwidth becomes narrower than the other part of the broadcasting bandwidth (column 7, lines 29-37; Note: as the advertisement gets downloaded the bandwidth for the program is going to decrease), and the preceding

time period is longer than a time period that is necessary for transmitting the program

data of the specific program at least once using the part of the bandwidth (column 7,

lines 31-32; Note: advertisements being downloaded shortly in advance is being

interpreted as equivalent to downloading them in a shorter amount of time than it takes

to reproduce them).

Referring to claim 4, Eldering discloses an apparatus of Claim 1, further

comprising: storage means for storing as the program data of the specific program (a)

first contents data that makes up the specific program (figure 5, "AD1") and (b) second

contents data that is different from the first contents data in part (figure 5, "AD2"),

wherein the transmission means transmits the first contents data in the preceding time

period and transmits the second contents data in the reproduction time period of the

specific program (column 7, lines 29-34).

Referring to claim 9, Eldering discloses a broadcasting apparatus that transmits a

data broadcasting program and a first and a second specific programs which are

inserted in the data broadcasting program (figure 7), the broadcasting apparatus

comprising: allotment means for (a) allotting a broadcasting bandwidth for a first time

period and a second time period to the first specific program and the second specific

program, the first time period and the second time period are a starting time and

broadcasting program (figure 5, bottom right hand corner), and (b) allotting a part of the

broadcasting bandwidth to the first and the second specific programs and the other part

of the broadcasting bandwidth to the data broadcasting program for included in a total

time period other than the first and the second time periods in the total time period

(column 7, lines 29-37);

script instruction generation means for (i) generating (a) when receiving a first

storage instruction, a script instructing the receiving apparatus to store program data of

the first specific program in a storage unit of the receiving apparatus and, (b) when

receiving a second storage instruction, a script instructing the receiving apparatus to

store program data of the second specific program in the storage unit (column 7, lines

28-30; column 10, lines 8-10; figure 7);

message generation means for generating a plurality of first storage instructions,

a plurality of second storage instructions (figure 3, part 301; column 5, lines 28-43;

column 6, lines 40-44);

and transmission means for transmitting the scripts during the total time period,

and repeatedly transmitting the program data of each of the data broadcasting program,

the fist specific program, and the second specific program in accordance with the result

of allotment by the allotment means (column 10, lines 37-45; Note: sending data

whenever the channel is idle is interpreted as repeatedly sending the data); and control

means for controlling the transmission means so as to transmit (a) a plurality of the first

storage instructions before the first time period; (c) a plurality of the second storage

instructions before the second time period (column 7, lines 29-37), wherein the

transmission means further transmits a normal program that includes a video stream

and an audio stream (column 6, lines 40-44), the specific program has the program data

that relates to a commercial message which is inserted in the normal program (column

6, lines 40-44).

and the first time period and the second time period respectively are the same as

broadcast time periods of the first commercial program and the second commercial

program (column 7, lines 41-46).

Eldering does not disclose a broadcasting apparatus with a script instruction

generating means for generating (a) when receiving a first reproduction instruction, a

script instructing the receiving apparatus to reproduce the program data of the specific

program data of the first specific program in a case that the program data of the specific

program has been stored in the storage unit and (b) when receiving a second

reproduction instruction, a script instructing the receiving apparatus to reproduce the

program data of the second specific program in a case that the program data of the

second specific program has been stored in the storage unit.

Suzuki discloses a broadcasting apparatus with a script instruction generating

means for generating (a) when receiving a first reproduction instruction, a script

instructing the receiving apparatus to reproduce the program data of the specific

program data of the first specific program in a case that the program data of the specific

program has been stored in the storage unit and (b) when receiving a second

reproduction instruction, a script instructing the receiving apparatus to reproduce the

program data of the second specific program in a case that the program data of the

second specific program has been stored in the storage unit (column 23, lines 22-25;

Note: if you are caching multiple programs as disclosed in Eldering, it would be obvious

that you would need multiple copies of the signals disclosed in Suzuki), and a message

generation means for generating a first reproduction instruction and a second

reproduction instruction (figure 4; column 23, lines 22-25).

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use the reproduction controls from Suzuki in the broadcasting

apparatus disclosed in Eldering. The motivation for doing this would have been to

enable the cable network to control which programs were authorized to play on which

subscriber's systems.

Referring to claim 11, Eldering discloses an apparatus of Claim 9, further

comprising: storage means for storing as the program data of the first specific program

(a) first contents data that makes up the first specific program (figure 5, "AD1") and (b)

second contents data that is different from the first contents data in part (figure 5,

"AD2"), wherein the transmission means transmits the first contents data in a time

period other than the first time period in the total time period, and transmits the second

contents data in the first time period (column 7, lines 29-34).

Referring to claim 12, Eldering discloses a broadcasting apparatus that transmits

a data broadcasting program and a first and a second specific programs which are

inserted in the data broadcasting program (figure 7), the broadcasting apparatus

comprising: allotment means for (a) allotting a broadcasting bandwidth period and a

second time period to the first specific program and the second specific program (figure

7), the first time period and the second time period are included in a total time period between a starting time and a finishing time for broadcasting the data broadcasting program, and for a first time (b) allotting (1) a broadcasting bandwidth to the data broadcasting data program in the total time period except for the first time period and the second time period (column 7, lines 29-37), (2) a part of the broadcasting bandwidth to the first specific program for a time period preceding to the first time period in the total time period (column 7, lines 29-37), and (3) a part of the broadcasting bandwidth to the second specific program for a time period preceding to the second time period in the total time period (column 7, lines 29-37);

script instruction generation means for (i) generating (a) when receiving a first storage instruction, a script instructing the receiving apparatus to store program data of the first specific program in a storage unit of the receiving apparatus and, (b) when receiving a second storage instruction , a script instructing the receiving apparatus to store program data of the second specific program in the storage unit (column 7, lines 28-30; column 10, lines 8-10; figure 7);

message generation means for generating a plurality of first storage instructions, a plurality of second storage instructions (figure 3, part 301; column 5, lines 28-43; column 6, lines 40-44);

transmission means for repeatedly transmitting the program data of each of the data broadcasting program (column 10, lines 37-45), the first specific program, and the second specific program in accordance with the result of allotment by the allotment means;

(b) repeatedly transmitting the scripts in a time period when the program data of

the specific program is transmitted (column 8, lines 34-36, column 10, lines 37-45)

and control means for controlling the transmission means so as to transmit (a) a

plurality of the first storage instructions before the first time period, (b) a plurality of the

second storage instructions before the second time period (Note: the storage

instructions would have to be transmitted prior to the first period or it wouldn't be

effective to store the program after the program was supposed to be reproduced),

wherein the transmission means further transmits a normal program that includes a

video stream and an audio stream (column 6, lines 40-44), the specific program has the

program data that relates to a commercial message which is inserted in the normal

program (column 6, lines 40-44).

and the first time period and the second time period respectively are the same as

broadcast time periods of the first commercial program and the second commercial

program (column 7, lines 41-46).

Eldering does not disclose a broadcasting apparatus with a script instruction

generating means for generating (a) when receiving a first reproduction instruction, a

script instructing the receiving apparatus to reproduce the program data of the specific

program data of the first specific program in a case that the program data of the specific

program has been stored in the storage unit and (b) when receiving a second

reproduction instruction, a script instructing the receiving apparatus to reproduce the

program data of the second specific program in a case that the program data of the

second specific program has been stored in the storage unit.

Suzuki discloses a broadcasting apparatus with a script instruction generating

means for generating (a) when receiving a first reproduction instruction, a script

instructing the receiving apparatus to reproduce the program data of the specific

program data of the first specific program in a case that the program data of the specific

program has been stored in the storage unit and (b) when receiving a second

reproduction instruction, a script instructing the receiving apparatus to reproduce the

program data of the second specific program in a case that the program data of the

second specific program has been stored in the storage unit (column 23, lines 22-25;

Note: if you are caching multiple programs as disclosed in Eldering, it would be obvious

that you would need multiple copies of the signals disclosed in Suzuki).

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use the reproduction controls from Suzuki in the broadcasting

apparatus disclosed in Eldering. The motivation for doing this would have been to

enable the cable network to control which programs were authorized to play on which

subscriber's systems.

Referring to claim 14, Eldering discloses an apparatus of Claim 12, further

comprising: storage means for storing as the program data of the first specific program

(a) first contents data that makes up the first specific program (figure 5, "AD1") and (b)

second contents data that is different from the first contents data in part (figure 5,

"AD2"), wherein the transmission means transmits the first contents data in a time

period preceding to the first time period in the total time period, and transmits the

second contents data the first time period (column 7, lines 29-34).

Referring to claim 15, Eldering discloses a broadcasting method for broadcasting

a specific program to which a reproduction time period between a starting time and a

finishing time is specified (figure 7, figure 9), the reproduction being performed by a

receiving apparatus (figure 2, part 209), the broadcasting method comprising the steps

of: an allotment step for allotting a broadcasting bandwidth for the reproduction time

period to the specific program (figure 7) and allotting a part of the broadcasting

bandwidth for a preceding time period immediately before the reproduction time period

to the specific program and the other part of the broadcasting bandwidth to other

program (column 7, lines 29-37);

script generation means for generating, (a) when receiving a storage instruction,

a script instructing the receiving apparatus to store program data of the specific program

in a storage unit of the receiving apparatus (column 7, lines 28-30; column 10, lines 8-

10; Note: a device that stores advertisements would inherently have an instruction that

caused the device to store the advertisement),

message generation means for generating a plurality of storage instructions and

a reproduction instruction (figure 3, part 301; column 5, lines 28-43; column 6, lines 40-

44);

and a transmission step, in accordance with the result of allotment in the

allotment step, for (a) repeatedly transmitting program data of the other program while

transmitting program data of the specific program in the preceding time period (column 10, lines 37-45), and (b) repeatedly transmitting the program data of the specific program in the reproduction time period (column 10, lines 37-45),

and (b) repeatedly transmitting the scripts in a time period when the program data of the specific program is transmitted (column 8, lines 34-36, column 10, lines 37-45),

a control step for controlling the transmission means to transmit the storage instructions in the preceding time period and to transmit the reproduction instruction at the starting time (column 7, lines 29-37),

wherein the transmission means further transmits a normal program that includes a video stream and an audio stream (column 6, lines 40-44), the specific program has the program data that relates to a commercial message which is inserted in the normal program (column 6, lines 40-44), and

the reproduction time period of the specific program is the same as a broadcast time period of the commercial message (column 7, lines 41-46).

Eldering does not disclose a system with script generating means for generating, (b) when receiving a reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the specific program in a case where the program data of the specific program has been stored in the storage unit.

Suzuki discloses a system with script generating means for generating, (b) when receiving a reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the specific program in a case where the program data

of the specific program has been stored in the storage unit (column 23, lines 22-25;

Note: a script is interpreted as being a set of instructions for an application (Microsoft

Computer Dictionary) and the instructions taught by Suzuki are interpreted as being

equivalent to a script).

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use the reproduction controls from Suzuki in the broadcasting

apparatus disclosed in Eldering. The motivation for doing this would have been to

enable the cable network to control which programs were authorized to play on which

subscriber's systems.

Referring to claim 16, Eldering discloses a broadcasting method for transmitting

a data broadcasting program and a first specific program and a second specific program

which are interposed in the data broadcasting program (figure 7), the broadcasting

method comprising the steps of: an allotment step for (a) allotting a broadcasting

bandwidth for a first time period and a second time period to the first specific program

and the second specific program, the first time period and the second time period are

included in a total time period between a starting time and a finishing time for

broadcasting the data broadcasting program (figure 7), and (b) allotting a part of the

broadcasting bandwidth to the first and the second specific programs and the other part

of the broadcasting bandwidth to the data broadcasting program for all of time periods

other than the first and the second time periods in the total time period (column 7, lines

29-37);

a script instruction generating step for (i) generating (a) when receiving a first

storage instruction, a script instructing the receiving apparatus to store program data of

the first specific program in a storage unit of the receiving apparatus and (b) when

receiving a second storage instruction, a script instructing receiving apparatus to store

program data of the second specific program in the storage unit (column 6, liens 40-44),

a message generation step for generating a plurality of first storage instructions,

a plurality of second storage instructions (figure 3, part 301; column 5, lines 28-43;

column 6, lines 40-44);

and a transmission step for, with transmitting the scripts during total time period,

transmitting (a) the first storage instructions before the first time period, (c)a plurality of

the second storage instructions before the second time period, and while repeatedly

transmitting the program data of each of the data broadcasting program (column 10,

lines 37-41), the fist specific program and the second specific program in accordance

with the result of allotment in the allotment step, wherein the transmission means further

transmits a normal program that includes a video stream and an audio stream (column

6, lines 40-44), the specific program has the program data that relates to a commercial

message which is inserted in the normal program (column 6, lines 40-44).

the reproduction time period of the specific program is the same as a broadcast

time period of the commercial message (column 7, lines 41-46).

Eldering does not disclose an apparatus where generating (ii) when receiving a

first reproduction instruction, a script instructing the receiving apparatus to reproduce

the program data of the first specific program in a case that the program data of the

specific program has been stored in the storage unit, and (b) when receiving a second

reproduction instruction, a script instructing the receiving apparatus to reproduce the

program data of the second specific program of the second specific program has been

stored in the storage unit.

Suzuki discloses an apparatus where generating (ii) when receiving a first

reproduction instruction, a script instructing the receiving apparatus to reproduce the

program data of the first specific program in a case that the program data of the specific

program has been stored in the storage unit, and (b) when receiving a second

reproduction instruction, a script instructing the receiving apparatus to reproduce the

program data of the second specific program of the second specific program has been

stored in the storage unit (column 23, lines 22-25).

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use the reproduction controls from Suzuki in the broadcasting

apparatus disclosed in Eldering. The motivation for doing this would have been to

enable the cable network to control which programs were authorized to play on which

subscriber's systems.

Referring to claim 17, Eldering discloses a broadcasting method for transmitting

a data broadcasting program and a first specific program and a second specific program

which are inserted in the data broadcasting program (figure 7), the broadcasting method

comprising the steps of: an allotment step for (a) allotting a broadcasting bandwidth for

a first time period and a second time period to the first specific program and the second

specific program, the first time period and the second time period are included in a total

time period between a starting time and a finishing time for broadcasting the data

broadcasting program (figure 7), and (b) allotting (1) a broadcasting bandwidth to the

data broadcasting data program in the total time period except for the first time period

and the second time period, (2) a part of the broadcasting bandwidth to the first specific

program for a time period preceding to the first time period in the total time period, and

(3) a part of the broadcasting bandwidth to the second specific program for a time

period preceding to the second time period in the total time period (column 7, lines 29-

37);

a script instruction generating step for (i) generating (a) when receiving a first

storage instruction, a script instructing the receiving apparatus to store program data of

the first specific program in a storage unit of the receiving apparatus and (b) when

receiving a second storage instruction, a script instructing receiving apparatus to store

program data of the second specific program in the storage unit (column 6, liens 40-44),

a message generation step for generating a plurality of first storage instructions,

a plurality of second storage instructions (figure 3, part 301; column 5, lines 28-43;

column 6, lines 40-44);

and a transmission step for transmitting (a) a plurality of the first storage

instructions before the first time period, (b) a plurality of the second storage instructions

before the second time period, while repeatedly transmitting the program data of each

of the data broadcasting program, the specific program, and the second specific

program (column 10, lines 37-45; Note: the storage instructions would have to be sent

before the device would be able to store the programs) in accordance with the result of allotment in the allotment step,

and (b) repeatedly transmitting the scripts in a time period when the program data of the specific program is transmitted (column 8, lines 34-46; column 10, lines 37-45),

wherein the transmission means further transmits a normal program that includes a video stream and an audio stream (column 6, lines 40-44), the specific program has the program data that relates to a commercial message which is inserted in the normal program (column 6, lines 40-44);

the reproduction time period of the specific program is the same as a broadcast time period of the commercial message (column 7, lines 41-46).

Eldering does not disclose an apparatus where generating (ii) when receiving a first reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the first specific program in a case that the program data of the specific program has been stored in the storage unit, and (b) when receiving a second reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the second specific program of the second specific program has been stored in the storage unit.

Suzuki discloses an apparatus where generating (ii) when receiving a first reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the first specific program in a case that the program data of the specific program has been stored in the storage unit, and (b) when receiving a second

reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the second specific program of the second specific program has been stored in the storage unit (column 23, lines 22-25).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the reproduction controls from Suzuki in the broadcasting apparatus disclosed in Eldering. The motivation for doing this would have been to enable the cable network to control which programs were authorized to play on which subscriber's systems.

Referring to claim 18, Eldering discloses a program recording medium which is readable for a computer in a broadcasting apparatus (column 4, lines 30-33; Note: use on the internet is being interpreted as being used on a computer, which would run a program), the broadcasting apparatus broadcasts a specific program to which a reproduction time period between a starting time and finishing time is specified (figure 7, figure 9), the reproduction being performed by a receiving apparatus the computer program embodied on the program recording medium has the computer conduct the steps of: an allotment step for allotting a broadcasting bandwidth for the reproduction time period to the specific program (figure 7, figure 9) and allotting a part of the broadcasting bandwidth for a preceding time period immediately before the reproduction time period to the specific program and the other part of the broadcasting bandwidth to other program (column 7, lines 29-37);

a script generation means for generating, (a) when receiving a storage

instruction, a script instructing the receiving apparatus to store program data of the

specific program in a storage unit of the receiving apparatus (column 7, lines 28-30;

column 10, lines 8-10; Note: a device that stores advertisements would inherently have

an instruction that caused the device to store the advertisement),

message generation means for generating a plurality of storage instructions and

a reproduction instruction (figure 3, part 301; column 5, lines 28-43; column 6, lines 40-

44);

transmission means for, (a) in accordance with the result of allotment by the

allotment means, repeatedly transmitting program data of the other program while

transmitting program data of the specific program in the preceding time period (column

10, lines 37-41; Note: sending the data whenever there is spare bandwidth is being

interpreted as being equivalent to repeatedly sending data), repeatedly transmitting the

program data of the specific program in the reproduction time period (column 10, lines

37-41),

and (b) repeatedly transmitting the scripts in a time period when the program

data of the specific program is transmitted (column 8, lines 34-36, column 10, lines 37-

45; Note: sending data whenever the channel is idle is interpreted as repeatedly

sending the data); and control means for controlling the transmission means to transmit

the storage instructions in the preceding time period and to transmit the reproduction

instruction at the starting time (figure 3, part 301; column 5, lines 28-43 column 6, lines

40-44)),

wherein the transmission means further transmits a normal program that includes a video stream and an audio stream (column 6, lines 40-44), the specific program has the program data that relates to a commercial message which is inserted in the normal program (column 6, lines 40-44), and the reproduction time period of the specific program is the same as a broadcast time period of the commercial message (column 7, lines 41-46).

Eldering does not disclose a system with script generating means for generating, (a) when receiving a storage instruction, a script instructing the receiving apparatus to store program data of the specific program in a storage unit of the receiving apparatus, and (b) when receiving a reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the specific program in a case where the program data of the specific program has been stored in the storage unit.

Suzuki discloses a system with script generating means for generating, (b) when receiving a reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the specific program in a case where the program data of the specific program has been stored in the storage unit (column 23, lines 22-25; Note: a script is interpreted as being a set of instructions for an application (Microsoft Computer Dictionary) and the instructions taught by Suzuki are interpreted as being equivalent to a script).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the reproduction controls from Suzuki in the broadcasting apparatus disclosed in Eldering. The motivation for doing this would have been to

enable the cable network to control which programs were authorized to play on which subscriber's systems.

Referring to claim 19, Eldering discloses a program recording medium which is readable for a computer in a broadcasting apparatus (column 4, lines 30-33), the broadcasting apparatus transmits a data broadcasting program and a first and a second specific programs which are interposed in the data broadcasting program (figure 7), the computer program embodied on the program recording medium has the computer conduct the steps of: an allotment step for (a) allotting a broadcasting bandwidth for a first time period and a second time period to the first specific program and the second specific program, the first time period and the second time period are included in a total time period between a starting time and a finishing time for broadcasting the data broadcasting program (figure 7), and (b) allotting a part of the broadcasting bandwidth to the first and the second specific programs and the other part of the broadcasting bandwidth to the data broadcasting program for all of time periods other than the first and the second time periods in the total time period (column 7, lines 29-37);

a script instruction generating step for (i) generating (a) when receiving a first storage instruction, a script instructing the receiving apparatus to store program data of the first specific program in a storage unit of the receiving apparatus and (b) when receiving a second storage instruction, a script instructing receiving apparatus to store program data of the second specific program in the storage unit (column 6, liens 40-44),

a message generation step for generating a plurality of first storage instructions, a plurality of second storage instructions (figure 3, part 301; column 5, lines 28-43; column 6, lines 40-44);

and a transmission step for, with transmitting the scripts during the total time period, transmitting (a) a plurality of the first storage instructions before the first time period, and (c) a plurality of the second storage instructions before the second time period, while repeatedly transmitting the program data of each (column 10, lines 37-45), wherein the transmission means further transmits a normal program that includes a video stream and an audio stream (column 6, lines 40-44), the specific program has the program data that relates to a commercial message which is inserted in the normal program (column 6, lines 40-44).

and the reproduction time period of the specific program is the same as a broadcast time period of the commercial message (column 7, lines 41-46).

Eldering does not disclose an apparatus where generating (ii) when receiving a first reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the first specific program in a case that the program data of the specific program has been stored in the storage unit, and (b) when receiving a second reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the second specific program of the second specific program has been stored in the storage unit.

Suzuki discloses an apparatus where generating (ii) when receiving a first reproduction instruction, a script instructing the receiving apparatus to reproduce the

program data of the first specific program in a case that the program data of the specific

program has been stored in the storage unit, and (b) when receiving a second

reproduction instruction, a script instructing the receiving apparatus to reproduce the

program data of the second specific program of the second specific program has been

stored in the storage unit (column 23, lines 22-25).

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use the reproduction controls from Suzuki in the broadcasting

apparatus disclosed in Eldering. The motivation for doing this would have been to

enable the cable network to control which programs were authorized to play on which

subscriber's systems.

Referring to claim 20, Eldering discloses a program recording medium which is

readable for a computer in a broadcasting apparatus (column 4, lines 30-33), the

broadcasting apparatus transmits a data broadcasting program and a first and a second

specific programs which are interposed in the data broadcasting program (figure 7), the

computer program embodied on the program recording medium has the computer

conduct the steps of: an allotment step for (a) allotting a broadcasting bandwidth for a

first time period and a second time period to the first specific program the first time

period and the and the second specific program, second time period are included in a

total time period between a starting time and a finishing time for broadcasting the data

broadcasting program (figure 7), and (b) allotting (1) a broadcasting bandwidth to the

data broadcasting data program in the total time period except for the first time period

and the second time period (column 7, lines 29-37), (2) a part of the broadcasting

bandwidth to the first specific program for a time period preceding to the first time period

in the total time period (column 7, lines 29-37), and (3) a part of the broadcasting

bandwidth to the second specific program for a time period preceding to the second

time period in the total time period (column 7, lines 29-37);

a script instruction generating step for (i) generating (a) when receiving a first

storage instruction, a script instructing the receiving apparatus to store program data of

the first specific program in a storage unit of the receiving apparatus and (b) when

receiving a second storage instruction, a script instructing receiving apparatus to store

program data of the second specific program in the storage unit (column 6, liens 40-44),

a message generation step for generating a plurality of first storage instructions,

a plurality of second storage instructions (figure 3, part 301; column 5, lines 28-43;

column 6, lines 40-44);

and a transmission step for transmitting (a) a plurality of the first storage

instructions before the first time period, (b) a plurality of the second storage instructions

before the second time period, while repeatedly transmitting the program data of each

of the data broadcasting program (column 10, lines 37-45), the first specific program,

and the second specific program in accordance with the result of allotment in the

allotment step, and (b) repeatedly transmitting the scripts in a time period when the

program data of the specific program is transmitted, wherein the transmission means

further transmits a normal program that includes a video stream and an audio stream

(column 6, lines 40-44), the specific program has the program data that relates to a commercial message which is inserted in the normal program (column 6, lines 40-44).

and the reproduction time period of the specific program is the same as a broadcast time period of the commercial message (column 7, lines 41-46).

Eldering does not disclose an apparatus where generating (ii) when receiving a first reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the first specific program in a case that the program data of the specific program has been stored in the storage unit, and (b) when receiving a second reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the second specific program of the second specific program has been stored in the storage unit.

Suzuki discloses an apparatus where generating (ii) when receiving a first reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the first specific program in a case that the program data of the specific program has been stored in the storage unit, and (b) when receiving a second reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the second specific program of the second specific program has been stored in the storage unit (column 23, lines 22-25).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the reproduction controls from Suzuki in the broadcasting apparatus disclosed in Eldering. The motivation for doing this would have been to

enable the cable network to control which programs were authorized to play on which subscriber's systems.

Referring to claim 21, Eldering discloses a program that is readable for a computer in a broadcasting apparatus (column 4, lines 30-33), the broadcasting apparatus broadcasts a specific program to which a reproduction time period between a starting time and finishing time is specified (figure7), the reproduction being performed by a receiving apparatus (figure 2, part 201), the program has the computer conduct the steps of: an allotment step for allotting a broadcasting bandwidth for the reproduction time period to the specific program (figure 7) and allotting a part of the broadcasting bandwidth for a preceding time period immediately before the reproduction time period to the specific program and the other part of the broadcasting bandwidth to other program (column 7, lines 29-37);

script generation means for generating, (a) when receiving a storage instruction, a script instructing the receiving apparatus to store program data of the specific program in a storage unit of the receiving apparatus (column 7, lines 28-30; column 10, lines 8-10; Note: a device that stores advertisements would inherently have an instruction that caused the device to store the advertisement),

message generation means for generating a plurality of storage instructions and a reproduction instruction (figure 3, part 301; column 5, lines 28-43; column 6, lines 40-44);

and a transmission step, in accordance with the result of allotment in the allotment step, for (a) repeatedly transmitting program data of the other program while transmitting program data of the specific program in the preceding time period, and (b) repeatedly transmitting the program data of the specific program in the reproduction time period (column 10, lines 37-45),

and (b) repeatedly transmitting the scripts in a time period when the program data of the specific program is transmitted (column 8, lines 34-36, column 10, lines 37-45; Note: sending data whenever the channel is idle is interpreted as repeatedly sending the data); and control means for controlling the transmission means to transmit the storage instructions in the preceding time period and to transmit the reproduction instruction at the starting time (figure 3, part 301; column 5, lines 28-43 column 6, lines 40-44)),

wherein the transmission means further transmits a normal program that includes a video stream and an audio stream (column 6, lines 40-44), the specific program has the program data that relates to a commercial message, which is inserted in the normal program (column 6, lines 40-44).

and the reproduction time period of the specific program is the same as a broadcast time period of the commercial message (column 7, lines 41-46).

Eldering does not disclose a system with script generating means for generating, (b) when receiving a reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the specific program in a case where the program data of the specific program has been stored in the storage unit.

Suzuki discloses a system with script generating means for generating, (b) when

receiving a reproduction instruction, a script instructing the receiving apparatus to

reproduce the program data of the specific program in a case where the program data

of the specific program has been stored in the storage unit (column 23, lines 22-25;

Note: a script is interpreted as being a set of instructions for an application (Microsoft

Computer Dictionary) and the instructions taught by Suzuki are interpreted as being

equivalent to a script).

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use the reproduction controls from Suzuki in the broadcasting

apparatus disclosed in Eldering. The motivation for doing this would have been to

enable the cable network to control which programs were authorized to play on which

subscriber's systems.

Referring to claim 22, Eldering discloses a program that is readable for a

computer in a broadcasting apparatus (column 4, lines 30-33), the broadcasting

apparatus transmits a data broadcasting program and a first and a second specific

programs which are interposed in the data broadcasting program (figure 7), the program

has the computer conduct the steps of: an allotment step for (a) allotting a broadcasting

bandwidth for a first time period and a second time period to the first specific program

and the second specific program, the first time period and the second time period are

included in a total time period between a starting time and a finishing time for

broadcasting the data broadcasting program (figure 7), and (b) allotting a part of the

broadcasting bandwidth to the first and the second specific programs and the other part of the broadcasting bandwidth to the data broadcasting program for all of time periods other than the first and the second time periods in the total time period (column 7, lines 29-37);

a script instruction generating step for (i) generating (a) when receiving a first storage instruction, a script instructing the receiving apparatus to store program data of the first specific program in a storage unit of the receiving apparatus and (b) when receiving a second storage instruction, a script instructing receiving apparatus to store program data of the second specific program in the storage unit (column 6, liens 40-44),

a message generation step for generating a plurality of first storage instructions, a plurality of second storage instructions (figure 3, part 301; column 5, lines 28-43; column 6, lines 40-44);

and a transmission step for, with transmitting the scripts during the total time period transmitting the first storage instructions before the first time period, and (c) a plurality of the second storage instructions before the second time period while repeatedly transmitting the program data of each of the data broadcasting program (column 10, line 37-45), the first specific program, and the second specific program in accordance with the result of allotment the allotment step, wherein the transmission means further transmits a normal program that includes a video stream and an audio stream (column 6, lines 40-44), the specific program has the program data that relates to a commercial message which is inserted in the normal program (column 6, lines 40-44).

and the reproduction time period of the specific program is the same as a

broadcast time period of the commercial message (column 7, lines 41-46).

Eldering does not disclose an apparatus where generating (ii) when receiving a

first reproduction instruction, a script instructing the receiving apparatus to reproduce

the program data of the first specific program in a case that the program data of the

specific program has been stored in the storage unit, and (b) when receiving a second

reproduction instruction, a script instructing the receiving apparatus to reproduce the

program data of the second specific program of the second specific program has been

stored in the storage unit.

Suzuki discloses an apparatus where generating (ii) when receiving a first

reproduction instruction, a script instructing the receiving apparatus to reproduce the

program data of the first specific program in a case that the program data of the specific

program has been stored in the storage unit, and (b) when receiving a second

reproduction instruction, a script instructing the receiving apparatus to reproduce the

program data of the second specific program of the second specific program has been

stored in the storage unit (column 23, lines 22-25).

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use the reproduction controls from Suzuki in the broadcasting

apparatus disclosed in Eldering. The motivation for doing this would have been to

enable the cable network to control which programs were authorized to play on which

subscriber's systems.

Referring to claim 23, Eldering discloses a program that is readable for a computer in a broadcasting apparatus (column 4, lines 30-33), the broadcasting apparatus transmits a data broadcasting program and a first and a second specific programs which are interposed in the data broadcasting program (figure 7), the program has the computer conduct the steps of: an allotment step for (a) allotting a broadcasting bandwidth for a first time period and a second time period to the first specific program and the second specific program, the first time period and the second time period are included in a total time period between a starting time and a finishing time for broadcasting the data broadcasting program (figure 7), and (b) allotting (1) a broadcasting bandwidth to the data broadcasting data program in the total time period except for the first time period and the second time period, (2) a part of the broadcasting bandwidth to the first specific program for a time period preceding to the first time period in the total time period, and (3) a part of the broadcasting bandwidth to the second specific program for a time period preceding to the second time period in the total time period (column 7, lines 29-37);

a script instruction generating step for (i) generating (a) when receiving a first storage instruction, a script instructing the receiving apparatus to store program data of the first specific program in a storage unit of the receiving apparatus and (b) when receiving a second storage instruction, a script instructing receiving apparatus to store program data of the second specific program in the storage unit (column 6, liens 40-44),

a message generation step for generating a plurality of first storage instructions,

a plurality of second storage instructions (figure 3, part 301; column 5, lines 28-43;

column 6, lines 40-44);

and a transmission step for transmitting (a) a plurality of the first storage

instructions before the first time period, (b) a plurality of the second storage instructions

before the second time period, , while repeatedly transmitting the program data of each

of the data broadcasting program (column 10, lines 37-45), the fist specific program,

and the second specific program in accordance with the result of allotment in the

allotment step, and (b)repeatedly transmitting the scripts in a time period when the

program data of the specific program is transmitted, wherein the transmission means

further transmits a normal program that includes a video stream and an audio stream

(column 6, lines 40-44), the specific program has the program data that relates to a

commercial message which is inserted in the normal program (column 6, lines 40-44).

and the reproduction time period of the specific program is the same as a

broadcast time period of the commercial message (column 7, lines 41-46).

Eldering does not disclose an apparatus where generating (ii) when receiving a

first reproduction instruction, a script instructing the receiving apparatus to reproduce

the program data of the first specific program in a case that the program data of the

specific program has been stored in the storage unit, and (b) when receiving a second

reproduction instruction, a script instructing the receiving apparatus to reproduce the

program data of the second specific program of the second specific program has been

stored in the storage unit.

Suzuki discloses an apparatus where generating (ii) when receiving a first

reproduction instruction, a script instructing the receiving apparatus to reproduce the

program data of the first specific program in a case that the program data of the specific

program has been stored in the storage unit, and (b) when receiving a second

reproduction instruction, a script instructing the receiving apparatus to reproduce the

program data of the second specific program of the second specific program has been

stored in the storage unit (column 23, lines 22-25).

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use the reproduction controls from Suzuki in the broadcasting

apparatus disclosed in Eldering. The motivation for doing this would have been to

enable the cable network to control which programs were authorized to play on which

subscriber's systems.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Justin E. Shepard whose telephone number is (571)

272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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